

WRIGHT, HENSON, CLARK & BAKER, LLP

THOMAS E. WRIGHT
CHARLES N. HENSON
BRUCE J. CLARK*
ANNE LAMBORN BAKER
EVELYN ZABEL WILSON
JOHN H. MUTTON*
DAVID P. MUDRICK**
MELISSA KASPRZYK

100 S.E. 9th Street, 2nd Floor
P.O. Box 3555
TOPEKA, KANSAS 66601-3555
(785) 232-2200
Telefax (785) 232-3344
E-Mail: wrightnenson@wrightnenson.com

SPECIAL COUNSEL
J. PHILLIP GRAGSON**
• ATRICIA F. HAMILTON**

OF COUNSEL
JOHN H. WACHTER
THOMAS D. HANEY

*ADMITTED TO U.S. PATENT & TRADEMARK OFFICE
**ALSO ADMITTED IN MISSOURI

Our File No.

Sender's e-mail:
bdark@wrightnenson.com

July 20, 2004
Sent Via Telefax 703/872-9301

RECEIVED
CENTRAL FAX CENTER

AUG 02 2004

Commissioner of Patents and Trademarks
ATTENTION: Larry Schwartz

RE: Patent Application, Serial Numbers 09/369,508 and 08/884,546

OFFICIAL

Dear Mr. Schwartz:

I am enclosing a copy of the letter and documents forwarded to you back on February 25, 2004 regarding the above referenced. These were faxed to you at your request when you located the file and could not find the Petition to Revive. Can you please advise of the status of this case, or direct us appropriately?

We had also inquired at the same time about case No. 08/884,546 (French), which you had also located and determined that no notice of abandonment had been mailed. Apparently it was sitting in the file. You were going to send that back to the proper place for handling as well. Can you tell us the status of that one as well now?

I had understood we would hear something within a few months, but have received nothing at this time. Thank you for your attention and courtesies in the matter.

Very truly yours,

WRIGHT, HENSON, CLARK & BAKER, LLP



Bruce J. Clark

BJC/slz
Enc.

RECEIVED IN
CENTRAL FAX
07/20/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
John Turak
Serial No. 09/369,508
Filed: 8/6/99
For: COMBINATION SWIMMING, WALKING,
RUNNING, MASSAGE, THERAPEUTIC,
AND RECREATIONAL DEVICE

Group Art Unit: 3764
Examiner: Richman, G.

RECEIVED
CENTRAL FAX CENTER

AUG 02 2004

OFFICIAL

Box DAC
Commissioner of Patents and Trademarks
Washington, D.C. 20231

PETITION TO REVIVE UNINTENTIONALLY
ABANDONED APPLICATION UNDER 37 C.F.R. 1.137(b)

Dear Sir:

Applicants' attorney respectfully petitions the Commissioner of Patents and Trademarks to revive the above-identified application under the provisions of 37 C.F.R. 1.137(b) on the ground that as to the applicant, the abandonment of the above-identified application was completely unintentional. This Petition is supported by the Declaration of the undersigned; a Continued Prosecution Application is also filed herewith.

Applicant has submitted the appropriate filing fee and requests the revival of the application on grounds that the abandonment was unintended. This application and another filed by the Applicant had similar due dates for responses to office actions in late April, and Applicant inadvertently, switched the dates and responded only to the other (Application Serial number 08/884,546, allowing inadvertently and unintentionally the date for response to this application to pass.

REGT AVAILABLE COPY

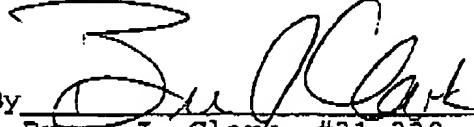
Applicant has reviewed the issues and believe the instant request to revive to be the most effective procedure for further prosecution and respectfully request reinstatement. At no time did applicants or their attorney intend to abandon the application.

Respectfully submitted,

Date: 7/31/02

WRIGHT, HENSON, SOMERS, SEBElius,
CLARK & BAKER, LLP
Commerce Bank Building Downtown, 2nd Floor
100 E. 9th Street, P. O. Box 3555
Topeka, Kansas 66601-3555
(913) 232-2200

By


Bruce J. Clark, #31,339
Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that this Petition To Revive Unintentionally Abandoned Application Under 37 C.F.R. 1.137(b), with attached Declaration and filing fee, and with a Continued Prosecution Application, is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Box DAC
Commissioner of Patents and Trademarks
Washington, D.C. 20231

on July 31, 2002.

WRIGHT, HENSON, SOMERS, SEBEKJUS,
CLARK & BAKER, LLP
Commerce Bank Building Downtown, 2nd Floor
100 E. 9th Street, P. O. Box 3555
Topeka, Kansas 66601-3555
(913) 232-2200

Date: 7/31/02

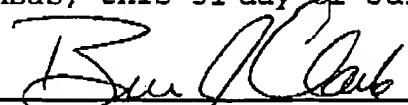
By Bruce J. Clark
Bruce J. Clark
Registration No. 31,339

DECLARATION

The undersigned, Bruce J. Clark, states as follows:

1. I am a registered patent attorney, Registration No. 31,339.
2. I am responsible for the prosecution of the above-identified United States patent application, serial number 09/369,508.
3. This application and another filed by the Applicant had similar due dates for responses to office actions in late April, and Applicant inadvertently, switched the dates and responded only to the other (Application Serial number 08/884,546), allowing inadvertently and unintentionally the date for response to this application to pass.
4. At no time did the undersigned or the applicants intend to abandon the application; the abandonment was clearly unintentional.
5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed at Topeka, Kansas, this 31 day of July, 2002.


Bruce J. Clark
100 E. 9th Street, P. O. Box 3555
Topeka, Kansas 66601-3555
(913) 232-2200
Citizenship: U.S.A.